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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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02/22/2006

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EXAMINER

AILES, BENJAMIN A

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 09/965,014 | Applicant(s) VICKNAIR ET AL. | |
| | Examiner Benjamin A. Ailes | Art Unit 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The instant application has been assigned to a new Examiner. Please see conclusion section for updated contact information.
2. Claims 1-26 remain pending.

Drawings

3. The drawings were received on 03 October 2005. These drawings are acceptable.

Specification

4. Amendments to the specification have been entered into the record. Prior objection has been withdrawn.

Claim Objections

5. The objection to claim 10 has been withdrawn.

Claim Rejections - 35 USC § 112

6. The amendment to claim 9 has been entered. Prior 112 rejection has been withdrawn.

Claim Rejections - 35 USC § 101

7. The amendments to claims 1-8 have been entered. Prior 101 rejection has been withdrawn.

Response to Arguments

8. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 4-6, 9, 10, 12-14, 17, 18, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US 5,495,577), hereinafter referred to as Davis.

11. Regarding claim 1, Davis discloses the method steps of:

retrieving a data value from a character stream (col. 6, ll. 14-16); and

determining a validity of a character represented by said data value in response to a member of a data structure, said member having a direct correspondence to said data value, wherein said validity is determined in response to a logical combination of status values in said member of said data structure (col. 6, ll. 16-23).

12. Regarding claim 2, Davis discloses the method further comprising the step of indexing into said data structure using said data value, wherein said member of said data structure corresponding to said data value is pointed to in response to said indexing step (col. 6, ll. 29-34, list).

13. Regarding claim 4, Davis discloses the method wherein if the logical combination corresponds to a logically "TRUE" value, said data value represents a valid character (col. 6, ll. 27-30).

14. Regarding claim 5, Davis discloses the method further comprising if each character in said character stream is valid, applying a predetermined set of syntactic rules to byte patterns comprising said character stream (col. 6, ll. 32-34).

15. Regarding claim 6, Davis discloses the method further comprising the step of generating said data structure (col. 6, ll. 29-32).

16. Claims 9, 10, and 12-14 contain similar subject matter and are rejected under the same rationale as claims 1, 2, and 4-6.

17. Claims 17, 18, and 20-22 contain similar subject matter and are rejected under the same rationale as claims 1, 2, and 4-6.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20. Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis.

21. Regarding claim 3, Davis discloses the use of a data structure known as a "list" but does not explicitly refer to the data structure as being an array. However, as is well known in the art, it would have been obvious to one of ordinary skill to utilize an array in place of a list. Davis discloses array-like structures in figures 8A-8F, therefore it would have been obvious and one would have been motivated to utilize an array when using a data structure.

22. Claim 11 contains similar subject matter and is rejected under the same rationale as claim 3.

23. Claim 19 contains similar subject matter and is rejected under the same rationale as claim 3.

24. Claims 7-8, 15-16, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Sowler (2002/0044662), hereinafter referred to as Sowler.

25. Regarding claim 7 and 8, Davis discloses the use of a wide range of fonts and styles but does not explicitly disclose the use of extensible markup language (XML) syntax. However Sowler discloses the analysis and format determination of extensible markup language (XML) (para. 0106, lines 1-5 and para. 0144, lines 1-3, and figure 8). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify Davis's method to allow it to process XML documents as input, as taught by Sowler. It logically follows that the rules employed by Davis's character

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validation would be in accordance with extensible markup language (XML) also. The motivation for doing so would have been to be able to determine whether extensible markup language (XML) packets match the extensible markup language (XML) protocol definition at an increased speed over prior methods. Therefore it would have been obvious to combine Davis and Sowler for the benefit of increased processing speed to obtain the invention as specified in claims 7-8.

26. Claims 15 and 16 contain similar subject matter and are rejected under the same rationale as claims 7 and 8.

27. Claims 23 and 24 contain similar subject matter and are rejected under the same rationale as claims 7 and 8.

28. Claims 25 and 26 contain similar subject matter and are rejected under the same rationale as applied to claims 1, 5, 7, and 8.

Conclusion

29. The new Examiner acknowledges the request for interview made to the previous Examiner. In view of the newly applied prior art, if an Interview is still deemed necessary the Applicant is encouraged to contact the new Examiner.

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perholtz et al. (US 2002/0091850 A1) discloses a system and method for remote monitoring and operation of personal computers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER